

1 **SHANNON G. SPLAINE, ESQ.**  
Nevada Bar No. 8241  
2 **PAUL D. BALLOU, ESQ.**  
Nevada Bar No. 6894  
3 **LINCOLN, GUSTAFSON & CERCOS, LLP**  
**ATTORNEYS AT LAW**  
4 3960 Howard Hughes Parkway, Suite 200  
Las Vegas, Nevada 89169  
5 Telephone: (702) 257-1997  
Facsimile: (702) 257-2203  
6 [ssplaine@lgclawoffice.com](mailto:ssplaine@lgclawoffice.com)  
[pballou@lgclawoffice.com](mailto:pballou@lgclawoffice.com)

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8 Attorneys for Third-Party Defendant,  
OPM, INC. dba CONSOLIDATED ROOFING  
9

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 AZURE MANOR/RANCHO DE PAZ  
13 HOMEOWNERS ASSOCIATION, a Nevada  
residential, common-interest planned community,

14 Plaintiff,  
15 v.  
16 D.R. HORTON, INC., a Delaware corporation,  
and DOES 1-100, inclusive,  
18 Defendant.

19 D.R. HORTON, INC.,

20 Third-Party Plaintiff,  
21 v.

22 ALLARD ENTERPRISES d/b/a IRON  
SPECIALISTS; AMERICAN ASPHALT &  
GRADING COMPANY; ATRIUM DOOR AND  
WINDOW COMPANY; BEBOUT CONCRETE,  
INC.; BEL-AIR PLASTERING, INC.;  
CENTRAL VALLEY INSULATION;  
CREATIVE TOUCH INTERIORS, INC.;  
DISTINCTIVE MARBLE, INC.; EFFICIENT  
ENTERPRISES, INC. d/b/a EFFICIENT  
ELECTRIC, INC.; GILMORE  
CONSTRUCTION, LLC; HARRISON  
LANDSCAPE COMPANY, LLC; MAJESTIC

CASE NO: 2:14-CV-02222-JCM-NJK

**STIPULATION AND ORDER DEEMING  
THE SETTLEMENT AGREEMENT AND  
RELEASE FULLY EXECUTED AS TO  
THIRD-PARTY DEFENDANT, OPM, INC.  
dba CONSOLIDATED ROOFING, AND  
FOR DISMISSAL OF THIRD-PARTY  
DEFENDANT, OPM, INC. dba  
CONSOLIDATED ROOFING, WITH  
PREJUDICE**

1 PLUMBING, INC.; NEVADA  
2 LANDSCAPING, INC.; NEW CREATION  
3 MASONRY, INC.; OPM, INC. d/b/a  
4 CONSOLIDATED ROOFING; QUALITY  
5 WOOD PRODUCTS, LTD.; SILVER STATE  
6 FIREPLACES, INC.; SOUTHERN NEVADA  
PAVING, INC.; SUMMIT DRYWALL &  
PAINT, LLC; SUNRISE MECHANICAL, INC.;  
SUNSTATE COMPANIES, INC. d/b/a  
SUNSTATE LANDSCAPE; WESTERN  
SHOWER DOOR; ZEPEDA BROS. PAINT &  
DRYWALL, INC.; and DOES 1 through 150,

7 Third-Party Defendants.

8  
9 IT IS HEREBY STIPULATED AND AGREED to as a Joint Motion pursuant to Local Rule  
10 7-1(c) between Defendant/Third-Party Plaintiff, D.R. HORTON, INC., by and through their counsel  
11 of record, the law firm of Wood, Smith, Henning & Berman LLP, and Third-Party Defendant, OPM,  
12 INC. dba CONSOLIDATED ROOFING, by and through its counsel of record, the law firm of  
13 LINCOLN, GUSTAFSON & CERCOS, LLP, as follows:

14 1. The Settlement Agreement and Release between Defendant/Third-Party Plaintiff, D.R.  
15 HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, is  
16 deemed fully executed as to OPM, INC. dba CONSOLIDATED ROOFING as OPM, INC. dba  
17 CONSOLIDATED ROOFING has ceased operations and has no one to execute the Release; and

18 2. The Third-Party Complaint, including and any amendments, cross-claims, or counter-  
19 claims, between the above-referenced parties are hereby dismissed, with prejudice, with each party to  
20 bear its own fees and costs.

21 DATED this 23<sup>rd</sup> day of June, 2020.

DATED this 23<sup>rd</sup> day of June, 2020.

22 **LINCOLN, GUSTAFSON & CERCOS, LLP**

23 /s/ *Paul D. Ballou*

24 **SHANNON G. SPLAINE, ESQ.**

Nevada Bar No. 8241

**PAUL D. BALLOU, ESQ.**

Nevada Bar No. 6894

3960 Howard Hughes Parkway, Suite 200

27 Las Vegas, Nevada 89169

28 Attorneys for Third-Party Defendant,  
OPM, INC. dba CONSOLIDATED ROOFING

**WOOD, SMITH, HENNING & BERMAN  
LLP**

/s/ *Elisa L. Wyatt*

**JOEL D. ODOU, ESQ.**

Nevada Bar No. 7468

**ELISA L. WYATT, ESQ.**

Nevada Bar No. 13034

2881 Business Park Court, Suite 200

Las Vegas, Nevada 89128

Attorneys for Defendant/Third-Party Plaintiff,  
D.R. HORTON, INC.

## ORDER

Based on the Stipulation and Joint Motion pursuant to Local Rule 7-1(c) of Defendant/Third-Party Plaintiff, D.R. HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The Settlement Agreement and Release between Defendant/Third-Party Plaintiff, D.R. HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, is deemed fully executed as to OPM, INC. dba CONSOLIDATED ROOFING as OPM, INC. dba CONSOLIDATED ROOFING has ceased operations and has no one to execute the Release; and

2. The Third-Party Complaint, including and any amendments, cross-claims, or counter-claims, between the above-referenced parties are hereby dismissed, with prejudice, with each party to bear its own fees and costs.

DATED June 24, 2020.

John C. Mahan  
UNITED STATES DISTRICT JUDGE

Submitted by:

## **LINCOLN, GUSTAFSON & CERCOS, LLP**

*/s/ Paul D. Ballou*

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**SHANNON G. SPLAINE, ESQ.**

SHANNON G. SIEGEL

PAUL D. BALLOU, ESQ.

Nevada Bar No. 6894

## 3960 Howard Hughes Park

Las Vegas, Nevada 89169

Attorneys for Third-Party Defendant,